



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,389	04/09/2001	Andreas Hartinger	2000 P 08547 US	1707
7470	7590	01/24/2007	EXAMINER	
WHITE & CASE LLP PATENT DEPARTMENT 1155 AVENUE OF THE AMERICAS NEW YORK, NY 10036			SON, LINH L D	
			ART UNIT	PAPER NUMBER
			2135	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	01/24/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/829,389	HARTINGER ET AL.	
	Examiner	Art Unit	
	Linh LD Son	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 30 October 2006.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 10-29 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 10-29 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application

6) Other: _____.

DETAILED ACTION

1. This Office Action is responding to the Amendment received on 10/30/06.
2. Claims 10-29 are pending.

Response to Arguments

3. Applicant's arguments filed 10/30/06 have been fully considered but they are not persuasive.
4. As per argument on page 7 last paragraph, Applicant cites (Schoch, Col 4 lines 3-12) and argues that Schoch does not discloses "generating an identification number from the hardware identification code and the license information by means of an encoding algorithm". Examiner respectfully disagrees with the Applicant. As cited in the rejection dated 07/28/06, Examiner interprets "an identification" as the license key in (Col 4 lines 9-10). The license key consists of the PID (Product ID), the SID (System ID), and the options, and encrypts it using the product verification encryption key (the license). Generating the identification number or the license key does includes a mean of encoding by encrypting. In either way of encoding or encrypting, the product of the encoding or encrypting process is a code (As defining in Dictionary). Therefore, the Applicant's argument is mooted.

5. As per argument on page 8 in the paragraph next to last, The Applicant argues, "Schoch does not disclose a method whereby the unique hardware identification code is accessed from a portion of the data medium that is readable but not writeable". Again, Examiner respectfully disagrees with the Applicant. Schoch's invention is to controlling the use of Licensed Software. Schoch does just that by restricting Licensed Software to only work in a controlled environment. Schoch implement the unique system identification number (SID) of either the processor serial number, Ethernet number (MAC address), or the boot drive ID (Col 4 lines 1-2, and Col 4 lines 61-65). It is well known and logically in the art that the boot drive ID is in the read-only area of the Harddrive. It would be defeating Schoch's purpose if the unique SID is in a readable/writeable area of the HD. Therefore, the Applicant's argument again is mooted.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claim s 10-16, 19, 21-22, and 25-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Schoch et al, US Patent No. 6460140B1, hereinafter "Schoch".
8. As per claims 10 and 26-28:

Schoch discloses "A method for controlling authorization to use a software component of a computer system, the method comprising the steps of: accessing a unique hardware identification code from a computer-readable data medium associated with the computer system, the code accessed from a portion of the data medium that is readable but not writeable" in (Col 4: 16-29);

"accessing license information for the software component" in (Col 3:48-55);
"generating an identification number (license key) from the hardware identification code (SID) and the license information (PID) by means of an encoding algorithm" in (Encrypting using the product verification encrypted key) in (Col 4:1-15, and Col 4: 33); and

"transmitting the identification number to the computer system on which the software component runs" in (Col 4: 1-15);

"whereby authorization to use the software component is allowed for the computer system associated with the computer-readable data medium and not allowed for a second computer system not associated with the computer-readable data medium having the unique hardware identification code accessed from a portion of the data medium that is readable but not writeable (SID = "boot sector ID", a second computer system will have another unique "boot sector ID")" in (Col 4: 1-15, and Col 4:20-29).

9. As per claim 11:

Schoch discloses "The method according to claim 10, wherein additional information (Encrypting using the product verification encrypted key) is used by the encoding algorithm to generate the identification number" in (Col 4: 1-15).

10. As per claim 12:

Schoch discloses "The method according to claim 10, wherein a plurality of identification numbers can be generated for one hardware identification code" in (Col 4: 1-15) (license key = Encrypt (Product ID + System ID) for each software license can be generated uniquely according to the variables in the equation).

11. As per claim 13:

Schoch discloses "The method according to claim 10, wherein at least one identification number is stored in a readable and writeable area of the data medium" in (Col 4: 1-15 (the registration library receives the license key and stores it on the user's computer))

12. As per claim 14:

Schoch discloses "The method according to claim 10, wherein additional information (a data medium can store program software, registration information, and so far) may be stored on the data medium" in (Col 3:17-33).

13. As per claim 15:

Schoch discloses "The method according to claim 14, wherein the additional data stored on the data medium comprises at least one element selected from the group consisting of license information, licensor identification, and software programs" in (Col 3:17-33).

14. As per claim 16:

Schoch discloses "The method according to claim 10, wherein the data medium comprises a component of the computer system" in (Col 3:17-33).

15. As per claim 19:

Schoch discloses "The method according to claim 10, wherein the data medium comprises a key which contains information" in (Col 3:17-33).

16. As per claim 21:

Schoch discloses "The method according to claim 10, wherein the computer system comprises a control unit" in (Col 4:20-29).

17. As per claim 22:

Schoch discloses "The method according to claim 10, wherein the identification number is checked by means of a decoding algorithm (Decrypting)" in (Col 4: 1-15, and Col 4: 33).

18. As per claim 25:

Schoch discloses "A method for controlling authorization to use a software component of a computer system, the method comprising the steps of:

accessing a unique hardware identification code from a computer-readable data medium associated with the computer system, the code accessed from a portion of the data medium that is readable but not writeable" in (Col 4: 16-29);

"accessing license information for the software component" in (Col 3:48-55);

"generating an identification number from the hardware identification code and the license information by means of an encoding algorithm(Encrypting using the product verification encrypted key)" in (Col 4:1-15, and Col 4: 33);

transmitting the identification number to the computer system on which the software component runs" in (Col 4:1-15);

"checking the identification number by means of a decoding algorithm; and

f1. if the decoded identification number matches the encoded information, permitting a user to utilize the software component; or

f2. if the decoded identification number does not match the encoded information, restricting the user from access to the software component;

whereby authorization to use the software component is allowed for the computer system associated with the computer-readable data medium and not allowed for a second computer system not associated with the computer-readable data medium having the unique hardware identification code accessed from a portion of the data medium that is readable but not writeable(SID = "boot sector ID", a second computer system will have another unique "boot sector ID")" in (Col 4: 1-15, and Col 4:20-29).

19. As per claim 29:

Schoch discloses "An identifier for use in determining authorization to use a software component of a computer system, the identifier generated according to the method of claim 28" in (Col 4:1-15).

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 17-18, 20, and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schoch in view of Watanabe, US/20020129265.

22. As per claim 17:

Schoch is silent on "wherein the data medium comprises a memory card".

Nevertheless, Watanabe discloses the “Method and Apparatus for Managing Software Use” invention, which includes a usage of a dongle to store license information in Para 0005-7).

Therefore, it would have been obvious at the time of the invention was made for one having ordinary skill in the art to modify Schoch’s invention to include the usage of the Dongle for portability.

23. As per claim 18:

Schoch and Watanabe disclose “The method according to claim 17, wherein the memory card comprises a multimedia card” in (Watanabe, Para 0005-7)

24. As per claim 20:

Schoch discloses “The method according to claim 19, wherein the key comprises a dongle” in (Watanabe, Para 0005-7).

25. As per claim 23:

Schoch is silent on “The method according to claim 10, wherein checking for unauthorized use of the software component is performed during startup of the software component”.

Nevertheless, Watanabe discloses the “Method and Apparatus for Managing Software Use” invention, which includes a method of checking the license information in the dongle prior executing the software in (Para 0024).

Therefore, it would have been obvious at the time of the invention was made for one having ordinary skill in the art to modify Schoch's invention to include the method of authorizing the execution of the software in Watanabe's invention to fully the protection of the software usage.

26. As per claim 24:

Schoch is silent on "The method of checking for unauthorized use of the software component is performed periodically during use of the software component.

Nevertheless, Watanabe discloses the "Method and Apparatus for Managing Software Use" invention, which includes a method of checking the license information in the dongle prior executing the software in (Para 0024).

Therefore, it would have been obvious at the time of the invention was made for one having ordinary skill in the art to modify Schoch's invention to incorporate Watanabe's teaching of authorizing the execution of the software and also modify to check the authorization periodically during the execution of the software to prevent the software from executing without licensed.

Conclusion

27. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

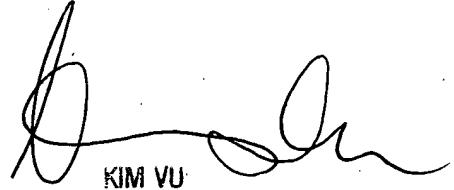
TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh LD Son whose telephone number is 571-272-3856. The examiner can normally be reached on 9-6 (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Linh LD Son
Examiner



KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100